



03-SAR-105

THE ROCKEFELLER UNIVERSITY
1230 YORK AVENUE · NEW YORK, NEW YORK · 10021-6399

February 12, 2003

Centers for Disease Control and Prevention
Select Agent Transfer Program
1600 Clifton Road NE
Mail stop E-79
Atlanta, Georgia 30333

Re: Comments on Proposed Interim Final Rule for Possession, Use, and Transfer of
Select Agents 42 CFR Part 73

Dear Sirs:

I am writing in response to the Centers for Disease Control and Prevention's solicitation for comments on the Proposed Interim Final Rule for Possession, Use, and Transfer of Select Agents 42 CFR Part 73, issued in the Federal Register on December 13, 2002, to state The Rockefeller University's concern over the fact that the proposed rule does not adequately address the cost of compliance.

The Department of Health and Human Services estimates the cost of compliance with the Proposed Rule (for a medium university with a BSL2-3 laboratory) to be \$730,400. In addition to the expected increase in administrative costs (for the required actions by the Responsible Official and Human Resources, for example), the Proposed Rule's security requirements may require substantial capital investment and will increase operations and maintenance costs. The Proposed Rule does not reference addressing the cost of compliance by increasing the indirect cost on federal grants. It is unlikely that private- and institutionally-funded grants will provide increased indirect costs to address the new requirements. As written, the Proposed Rule will create an unfunded mandate, leaving research and academic institutions bearing the full cost of compliance with the new administrative, capital, and operations requirements. We request that mechanisms for the recovery of the cost of compliance be addressed in the Final Rule.

Thank you for the opportunity to comment on this rule. If you have any questions, please do not hesitate to contact me.

Sincerely,

Frederick M. Bohen
Executive Vice President (Acting)

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YEARS